

Thomas-Jensen Affirmation

Exhibit # 18

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

C.A. No. 1:25-cv-00039-JJM-PAS

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

DECLARATION OF SUSAN DZBANKO

I, Susan Dzbanko, declare as follows:

1. I am a resident of the State of Arizona. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am the Deputy Director of the Arizona Department of Homeland Security (“AZDOHS”). I have served in this role for four years and have been with AZDOHS for over 20 years.

3. As Deputy Director of AZDOHS, I manage and administer all federal homeland security grants, including the State Homeland Security Grant Program (“SHSGP”), Urban Areas Security Initiative, Operation Stonegarden, Nonprofit Security Grant Programs (“NSGP”) and the State and Local Cybersecurity Grant Program (“SLCGP”).

4. I have compiled the information in the statements set forth below through personal knowledge, through AZDOHS's accounting office who assisted me in gathering this information from our agency, and on the basis of documents that have been provided to and/or reviewed by me.

Federal Funding

5. AZDOHS has three primary federal grant programs: the State Homeland Security Grant Program ("SHSGP"), the Urban Areas Security Initiative ("UASI") and the Operation Stonegarden Grant Program ("OPSG"). These programs fund critical homeland security needs at both the State and local levels.

6. The SHSGP and the UASI provide funding for terrorism prevention, protection, mitigation, response, and recovery activities. All of the projects that AZDOHS has funded with SHSGP and UASI grants must have a terrorism nexus, meaning that the equipment and programs funded are part of an effective response to terrorism events. OPSG grants fund investments in joint efforts to secure the United States' borders, including enhanced cooperation and coordination among Customs and Border Protection, United States Border Patrol, and local, tribal, territorial, state, and Federal law enforcement agencies.

7. AZDOHS receives grant funding from the Federal Emergency Management Agency ("FEMA") (Catalog of Federal Domestic Assistance (CFDA) numbers 97.067 (HSGP); 97.008 (NGSP); and 97.137 (SLCGP)).

8. In all, AZDOHS open federal grant awards total approximately \$141,571,893.10 from Federal Fiscal Years 2021-2024. AZDOHS has already drawn down \$68,431,489.88, leaving \$73,140,403.22 that AZDOHS has planned to fund critical projects.

Communications Regarding Federal Funding

9. On January 28, 2025, I reached out to Julie Robinson, Cyber Grants Management Special at the federal Office of Grants Administration, to ask whether FEMA had provided any guidance regarding how it planned to implement the OMB Memo directives and received the following response: “FEMA is actively reviewing President Trump’s memo directing agencies to pause grants and other types of federal assistance issued Monday, January 27th. We are working quickly to understand the exact implications across the full range of FEMA equities. We will provide additional guidance to stakeholders as soon as possible.” A true and accurate copy of the email from Julie Robinson to AZDOHS and FEMA staff (Jan. 28, 2025) is attached hereto as

Exhibit A.

10. Also on January 28, 2025, I reached out to Kerry Thomas, Director of the Homeland Security Division of the FEMA Grants Program Directorate seeking additional guidance regarding how FEMA planned to implement the OMB Memo directives and received the following response: “FEMA is actively reviewing President Trump’s memo directing agencies to pause grants and other types of federal assistance issued Monday, January 27th. We are working quickly to understand the exact implications across the full range of FEMA equities. We will provide additional guidance to stakeholders as soon as possible.” A true and accurate copy of the email from Kerry Thomas to Susan Dzbanko (Jan. 28, 2025) is attached hereto as **Exhibit B.**

11. On January 28, 2025 at approximately 10:00am Arizona time, AZDOHS submitted a draw request through FEMA’s Payment and Reporting System (“PARS”) in the amount of \$148,000 to cover payroll for ten AZDOHS granted funded staff for the next two pay periods. AZDOHS received these funds on January 30, 2025. This draw was made outside of the

AZDOHS's normal two-week draw cycle and was prompted by concerns that the OMB-directed funding pause would cause AZDOHS to be unable to meet its next payroll obligations.

12. AZDOHS received the funds requested in its January 28, 2025 draw on January 30, 2025, which is a typical timeframe for draw requests to be approved and received.

13. On February 3, 2025, AZDOHS received notice from FEMA regarding the Temporary Restraining Order in the above-captioned matter. A true and accurate copy of the FEMA notice (Feb. 3, 2025) is attached hereto as **Exhibit C**.

Ongoing Risk of Harm

14. Without the federal funds, AZDOHS does not have sufficient funds in its budget for State Fiscal Year 2025 to pay for costs associated with the federal grant-funded programs. AZDOHS has made plans and allocated funding for staffing and programming based on the anticipated receipt of federal funding promised.

15. On average, AZDOHS draws down approximately \$3 million in federal funds per month, submitting draw requests on a biweekly basis.

16. If the federal funding is again paused, blocked, denied or delayed suddenly, it would cause significant harm to AZDOHS operations, including, most acutely, that AZDOHS will be unable to cover payroll for its ten grant-funded employees.

17. Additionally, without immediate and predictable access to Federal funds, the operations of the State and local public safety subrecipients that AZDOHS serves may also be harmed, impacting public safety in just about every sector in the State and risking the security of all Arizonans. For example:

- a. A portion of the federal funding received by AZDOHS goes to the Arizona Department of Public Safety to fund Arizona Counter Terrorism Information Center operations.
- b. Intelligence analysts within the Arizona Counter Terrorism Information Center and in some local jurisdictions are fully or partially funded by federal grants.

18. AZDOHS subrecipients continue to contact our Department with concerns about expending their federal grant funding given the temporary nature of the current restraining order and ongoing uncertainty around future reimbursements. Should stakeholders abandon or substantially delay their open projects due to the uncertainty of receiving reimbursement, it would have incredible negative cascading effects for the safety and security of our state and nation.

19. In total, AZDOHS has more than 200 open projects that are in various stages of completion. Another federal funding disruption could result in the inability to procure critical security equipment and conduct training and daily operations. Subrecipients at risk include state and local law enforcement, fire service, emergency management, and elections departments.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, in Phoenix, Arizona.



Susan Dzbanko
Deputy Director
Arizona Department of Homeland Security
State of Arizona

EXHIBIT A



Susan Dzbanko <sdzbanko@azdohs.gov>

RE: OMB Policy and SLCGP

1 message

Robinson, Julie <julie.robinson@fema.dhs.gov>

Tue, Jan 28, 2025 at 11:23 AM

To: Susan Dzbanko <sdzbanko@azdohs.gov>, "Nine, Lisa" <lisa.nine@fema.dhs.gov>

Cc: Ngan Pham <npham@azdohs.gov>, Ryan Murray <rmurray@azdohs.gov>, FEMA-SLCGP <fema-slcgp@fema.dhs.gov>

Good afternoon,

Thanks for reaching out.

FEMA is actively reviewing President Trump's memo directing agencies to pause grants and other types of federal assistance issued Monday, January 27th. We are working quickly to understand the exact implications across the full range of FEMA equities. We will provide additional guidance to stakeholders as soon as possible.

Best,

Julie A. H. Robinson

Cyber Grants Management Specialist | National Programs Division | Office of Grants Administration | Resilience Directorate

Email: Julie.Robinson@fema.dhs.gov

Federal Emergency Management Agency

www.fema.gov



FEMA

From: Susan Dzbanko <sdzbanko@azdohs.gov>

Sent: Tuesday, January 28, 2025 1:10 PM

To: Nine, Lisa <lisa.nine@fema.dhs.gov>; Robinson, Julie <julie.robinson@fema.dhs.gov>

Cc: Ngan Pham <npham@azdohs.gov>; Ryan Murray <rmurray@azdohs.gov>

Subject: OMB Policy and SLCGP

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Good morning Lisa and Julie,

I know the situation is evolving; however, do you have any new information on if/when FEMA will be releasing any guidance? As you can imagine we are receiving a multitude of questions about the policy.

Appreciate any insight you can provide.

Susan



SUSAN DZBANKO

DEPUTY DIRECTOR

Arizona Department of Homeland Security

602.319.8837

Website <https://azdohs.gov/>

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EXHIBIT B



Susan Dzbanko <sdzbanko@azdohs.gov>

RE: Fw: Updated: OMB Memo on Pause to Review Federal Grants and Financial Assistance

1 message

Thomas, Kerry <kerry.thomas@fema.dhs.gov>

Tue, Jan 28, 2025 at 9:53 AM

To: Susan Dzbanko <sdzbanko@azdohs.gov>, "Abramson, Eric (DHSES)" <Eric.Abramson@dhses.ny.gov>

Cc: Robert Cottle <robert.cottle@gov.texas.gov>, "Evans, Bob (Bob.P.Evans@illinois.gov)" <Bob.P.Evans@illinois.gov>

All - FEMA is actively reviewing President Trump's memo directing agencies to pause grants and other types of federal assistance issued Monday, January 27th. We are working quickly to understand the exact implications across the full range of FEMA equities. We will provide additional guidance to stakeholders as soon as possible. v/r -Kerry

Kerry L. Thomas, MPM

Director, Homeland Security Programs Division | Grant Programs Directorate | Resilience

Mobile: 202-735-4455

Kerry.Thomas@fema.dhs.gov

Federal Emergency Management Agency
fema.gov



FEMA

From: Susan Dzbanko <sdzbanko@azdohs.gov>

Sent: Tuesday, January 28, 2025 11:50 AM

To: Abramson, Eric (DHSES) <Eric.Abramson@dhses.ny.gov>

Cc: Robert Cottle <robert.cottle@gov.texas.gov>; Thomas, Kerry <kerry.thomas@fema.dhs.gov>; Evans, Bob (Bob.P.Evans@illinois.gov) <Bob.P.Evans@illinois.gov>

Subject: Re: Fw: Updated: OMB Memo on Pause to Review Federal Grants and Financial Assistance

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Are you guys pausing your stakeholders from expending funds? We are getting inundated with calls about grants rn. Not sure what the right angle is.

KT-do you know when FEMA might be sending any clarification?

On Tue, Jan 28, 2025 at 9:48 AM Abramson, Eric (DHSES) <Eric.Abramson@dhses.ny.gov> wrote:

Thank you.

Eric Abramson

Director of Grants Program Administration

NYS Division of Homeland Security & Emergency Services

1220 Washington Avenue, State Office Campus Bldg 7A, Albany, NY 12226

(518) 242-5095 | Eric.Abramson@dhses.ny.gov

www.dhses.ny.gov

From: Susan Dzbanko <sdzbanko@azdohs.gov>

Sent: Tuesday, January 28, 2025 11:21 AM

To: Abramson, Eric (DHSES) <Eric.Abramson@dhses.ny.gov>; Robert Cottle <robert.cottle@gov.texas.gov>; Thomas, Kerry <kerry.thomas@fema.dhs.gov>; Evans, Bob (Bob.P.Evans@illinois.gov) <Bob.P.Evans@illinois.gov>

Subject: Fwd: Fw: Updated: OMB Memo on Pause to Review Federal Grants and Financial Assistance

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FYSA...

----- Forwarded message -----

From: **Gabriel Levine** <gabriel.lavine@azdema.gov>

Date: Tue, Jan 28, 2025 at 9:16 AM

Subject: Fw: Updated: OMB Memo on Pause to Review Federal Grants and Financial Assistance

To: Kim O'Connor <koconnor@azdohs.gov>, Susan Dzbanko <sdzbanko@azdohs.gov>, Senior Leadership - DEMA <senior.leadership@azdema.gov>, Travis Schulte <travis.schulte@azdema.gov>

FYSA

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From: Trina Sheets <tsheets@csg.org>

Sent: Tuesday, January 28, 2025 9:07:34 AM

To: Trina Sheets <tsheets@csg.org>

Subject: Updated: OMB Memo on Pause to Review Federal Grants and Financial Assistance

Dear Directors,

You'll find attached the list of DHS grants on the list for review. We've heard that FEMA is meeting today and having ongoing discussions about the potential impacts to specific grants. We hope to have more clarity soon. We're hearing grants such as Fire/SAFER that have rolling awards are likely in more danger than those with single awards. Additionally, programs like PA (at least Cat A/B), IA, and NFIP could be held harmless as well.

Thanks,

Trina

From: Trina Sheets <tsheets@csg.org>
Sent: Tuesday, January 28, 2025 9:10 AM
To: Trina Sheets <tsheets@csg.org>
Subject: OMB Memo on Pause to Review Federal Grants and Financial Assistance
Importance: High

Dear NEMA State Directors,

OMB has issued a memo to all federal agencies placing a pause on financial assistance to recipients and subrecipients pending a review of grants, cooperative agreements, programs, projects, etc. that may be in violation of the President's Executive Orders. Excerpts from the memo are below. The pause goes into effect today at 5 pm eastern and the review runs through Feb. 10.

We do not know at this time whether the review will include FEMA grant funds to states (EMPG) but it possibly could. We are also trying to determine the impact this may have on federal grant funding to NEMA from FEMA, CDC, and DOE. We are particularly concerned about any impact on the EMAC cooperative agreement (\$2.5M) which allows NEMA to administer the compact.

There are many unanswered questions today but we are working to get as much clarity as possible and will pass along anything we learn. Please do the same.

Memo Language:

To implement these orders, each agency must complete a comprehensive analysis of all of their Federal financial assistance programs to identify programs, projects, and activities that may be implicated by any of the President's executive orders. In the interim, to the extent permissible under applicable law, Federal agencies **must temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not limited to, financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal.

This temporary pause will provide the Administration time to review agency programs and determine the best uses of the funding for those programs consistent with the law and the President's priorities. The temporary pause will become effective on January 28, 2025, at 5:00 PM. Even before completing their comprehensive analysis, Federal agencies must immediately identify any legally mandated actions or deadlines for assistance programs arising while the pause remains in effect. Federal agencies must report this information to OMB along with an analysis of the requirement. OMB also directs Federal agencies to pause all activities associated with open NOFOs, such as conducting merit review panels.

No later than February 10, 2025, agencies shall submit to OMB detailed information on any programs, projects or activities subject to this pause. Each agency must pause: (i) issuance of new awards; (ii) disbursement of Federal funds under all open awards; and (iii) other relevant agency actions that may be implicated by the executive orders, to the extent permissible by law, until OMB has reviewed and provided guidance to your agency with respect to the information submitted.

Thanks,
Trina

Trina R. Sheets
Executive Director
National Emergency Management Association
1776 Avenue of the States
Lexington, KY 40511
(M) 859-229-9179
tsheets@csg.org
www.nemaweb.org

EXHIBIT C



Susan Dzbanko <sdzbanko@azdohs.gov>

Notice Regarding Funding Pause - Temporary Restraining Order

1 message

FEMA (Federal Emergency Management Agency) <fema@service.govdelivery.com>
To: sdzbanko@azdohs.gov

Mon, Feb 3, 2025 at 6:53 AM

FEMA Grants News



FEMA



Notice Regarding Funding Pause - Temporary Restraining Order

Please see the [attached](#) written Notice of a Court Order, including a copy of the Court's order, regarding certain Federal financial assistance programs, including grants. Effective immediately, this temporary restraining order prohibits certain actions. Additional guidance is forthcoming regarding DHS's separate authority.

NOTICE OF COURT ORDER

You are hereby advised that a temporary restraining order has been entered in the case of *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025). You are receiving this Notice pursuant to the Court's directive that notice of the order be provided "to all

Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m." A copy of the Court's Order is attached for reference.

This case challenges an alleged "pause" of certain Federal financial assistance, related to OMB Memorandum M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (Jan. 27, 2025) ("OMB Memo"). Although that OMB Memo was rescinded on January 29, 2025, the plaintiffs in the above-referenced case allege that the funding pause directed by the OMB Memo is still in effect, including because of recently issued Executive Orders by the President.

In response, the Court has entered a temporary restraining order prohibiting certain actions by the Defendants in the case, which is effective immediately. All Defendants—including their employees, contractors, and grantees—must immediately comply with the Court's Order. For complete details and terms of the Court's Order, please refer to pages 11 and 12 of the enclosed Order.

To assist in your compliance, here is a summary of the key terms:

- 1. Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo, or on the basis of the President's recently issued Executive Orders.**
- 2. This prohibition applies to all awards or obligations—not just those involving the Plaintiff States in the above-referenced case—and also applies to future assistance (not just current or existing awards or obligations).**
- 3. Agencies may exercise their own authority to pause awards or obligations, provided agencies do so purely based on their own discretion—not as a result of the OMB Memo or the President's Executive Orders—and provided the pause complies with all notice and procedural requirements in the award, agreement, or other instrument relating to such a pause.**

a. On pages 11 and 12 of the Order, the Court prohibits agencies from pausing funding "except on the basis of the applicable authorizing statutes, regulations, and terms." Thus, agencies remain free to exercise their own discretion under their "authorizing statutes, regulations, and terms," including any exercise of discretion to pause certain

b. Any exercise of agency discretion, however, cannot be based on the OMB Memo or the President's Executive Orders, given that the Court has prohibited agencies from "implementing or giving effect to the OMB [Memo] under any other name or title[.]" (Order, pg. 12). Additionally, any decision to pause, stop, delay, or otherwise withhold federal financial assistance programs must comply with all notice and procedural requirements in the award, agreement, or other instrument setting forth the terms of the award or obligation.

4. Out of an abundance of caution, all federal agencies (even those not named as defendants in the case) should comply with the above-referenced terms.

As the Court's Order reflects, the above terms are temporary as litigation in the case is ongoing. At present, however, the Court's Order is in effect and must be complied with.

If you have any questions about the scope or effect of the Court's Order, please contact your agency's Office of General Counsel or your grant officer, as appropriate. Thank you for your attention to this matter.

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